IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Criminal Application No.3281 of 2006

The State of Maharashtra. .. Applicant.

vs

Dattaram Pandurang Jadhav and Anr. ... Respondents.

Mr D.R. More, Addl.P.P. for the Applicant.

CORAM: V.G.PALSHIKAR,Acg C.J. ,&
SMT. NISHITA MHATRE, J.
DATE: SEPTEMBER 20, 2006.

P.C.:

This application is directed against an order of acquittal dated 18th April, 2006 passed by the Ist Ad-hoc Additional Sessions Judge,Thane. He acquitted the accused of the offence punishable under section 307 read with section 34 of I.P.C and section 37(1) of the Bombay Police Act.

Perused the impugned order. It is well reasoned order. The learned judge found fault with the prosecution for non-examining independent eye witnesses, though there were number of houses in the vicinity of the spot where the incident

alleged to have occurred. He has also found that the prosecution has proved enmity between the complainant party and the accused persons. In light of these circumstances the learned judge found that the evidence of the complainant is uncorroborative in nature and cannot be accepted as gospel truth. He then proceeded to acquit the accused by the impugned order which is based on reasons and on appreciation of evidence. We therefore see no reason to interfere. Application is dismissed.